

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA  
Montana Thirteenth Judicial District Court, County of Yellowstone

STATE OF MONTANA,	)	
	)	
Plaintiff,	)	
	)	CAUSE NO. DC-15-1011
-vs-	)	
	)	DECISION
PATRICK JOSEPH SPEARS,	)	
	)	
Defendant.	)	

On November 10, 2016, the District Court dismissed Count I: Assault with a Weapon and sentenced the Defendant on Count II: Partner or Family Member Assault, a felony, as follows: a commitment to the Montana State Prison for twenty (20) years with ten (10) years suspended. The Defendant was ordered to pay a fine of five thousand dollars (\$5,000) and to pay restitution in the amount of one thousand three hundred forty-four dollars and thirty cents (\$1,344.30). The Defendant was granted credit for time served from August 10, 2014 through August 11, 2014, May 19, 2016 through August 1, 2016 and September 28, 2016 through November 10, 2016.

On February 2, 2017, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division").

The Defendant appeared by Vision Net from the Yellowstone County Detention Facility and was represented by Peter Ohman of the Office of the State Public Defender. The State was represented by Yellowstone County Deputy Attorney Christopher Morris.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 2<sup>nd</sup> day of February, 2017.

DATED this 8 day of March, 2017.

SENTENCE REVIEW DIVISION



Hon. Brad Newman, Chairperson



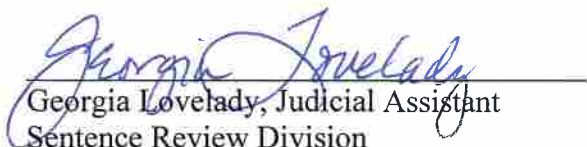
Hon. Kathy Seeley, Member



Hon. Brenda Gilbert, Member

Copies mailed this 9th day  
of March, 2017, to:

Clerk of District Court (Original)  
Patrick Joseph Spears #3015776, Defendant (2)  
Hon. Michael Moses  
Brent Getty, Defense Counsel  
Juli Pierce, Esq.  
Board of Pardons and Parole  
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant  
Sentence Review Division